

### REMARKS

Claims 1, 2, 11-13, 17-19, 21-25, 35-37, 42, and 57-64, and 72-78 are pending, with claims 1, 72 and 77 being independent. Claims 3-10, 14-16, 20, 26-34, 38-41, 43-56, and 65-71 have been cancelled. Claims 1, 2, 11, 17-19, 21-25, 35-37, 42, 57-64, and 72-78 have been amended. Support for the claim amendments can be found, for example, at paragraphs 0001, 0008, 0014, 0015, 0056, 0061, and 0062 of the published application. No new matter has been introduced.

### Examiner's Interview Summary

Applicant thanks the Examiner for participating in telephone interview on February 11, 2010. The substance of the interview of February 11, 2010 included a discussion of claim amendments similar to those of amended claim 1 in view of the relied upon art as represented by the remarks that follow.

### Claim Rejections - 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph

Claims 1, 2, 4-6, 11-13, 17-19, 21-25, 35-37, 42, and 56-76 have been rejected as being indefinite.

### Claim 1

At page 4 of the Office Action, the Examiner states that "at numerous places beginning with claim 1, 'feed channel' is indefinite." Applicant has amended the pending claims to recite

“feed” rather than “feed channel,” as requested by the Examiner. In view of the amendments, applicant requests reconsideration and withdrawal of the rejection of claim 1 and its dependent claims.

Claims 4-6, 68, and 74

At page 4 of the Office Action, the Examiner asserts that “claims 4-6, 68 and 74, describing XML/RSS/Atom as ‘feeds’ or ‘feed channels’ is indefinite because XML/RSS/Atom are widely known as ‘formats’, not as ‘feeds’ or ‘feed channels’, and the specification does not clearly redefine the term.”

Applicant disagrees because one of ordinary skill in the art would readily understand that an “RSS feed” refers to a web feed having an RSS format. This understanding is demonstrated, for example, by the Wikipedia article on “RSS,” which recites “An RSS document (which is called a ‘feed’, ‘web feed’, or ‘channel’) includes full or summarized text ....” [http://en.wikipedia.org/wiki/Rss\\_feeds](http://en.wikipedia.org/wiki/Rss_feeds), accessed on Feb. 8, 2010. Thus, it is commonplace for web feeds that are formatted according to the RSS format to be referred to as RSS feeds, and “a competent programmer in the advertising art” would readily understand the scope of the term “RSS feed.” Despite the fact that RSS feed is a well known term in the art, applicant has amended the claims to recite that “the RSS feed [is] an RSS format compliant web feed,” to further clarify the term RSS feed in an effort to advance prosecution. Accordingly, applicant requests reconsideration and withdrawal of the rejections of claims 4-6, 68, 74 and their respective dependent claims.

Claims 62 and 77

At page 4 of the Office Action the Examiner asserts that “in claims 62 and 77, ‘syndication content provider (system)’ is indefinite. Although this language is used at many places in the published application (e.g., para. [0038]), it is not disclosed whether it is a business entity or a machine or apparatus. Businesses are distinguished by their ownership, are inherently indefinite and cannot impart patentability.” Applicant has amended claim 62 to recite that the syndicated content provider system “includes at least one processor.” In view of the amendment to claim 62, applicant requests reconsideration and withdrawal of the rejection of claim 62.

Claim 77 recites “a syndicated content provider **coupled to the at least one datastore and the targeted ad server**, the syndicated content provider **including at least one processor** configured to ....” The fact that paragraph [0068] of the specification recites that the system 700 “**can be** used as any one of the various systems 110 [syndicated content provider system], 108, [or] 104,” does not negate the fact that claim 77 positively recites “at least one processor,” as suggested by the Examiner’s statement that “can be is not a defining limitation.” Thus, the elements of claim 77 clearly notify the public that the syndicated content provider is a data processing system, device, or apparatus that includes at least one processor. Accordingly, applicant requests reconsideration and withdrawal of the rejection of claim 77.

Claim Rejections Under 35 U.S.C. §102

Claims 1, 2, 4, 11-13, 17-19, 23-25, 35-37, 42, 56-67, 69-73 and 75-78 have been rejected under 35 U.S.C. §102(b) as being anticipated by Sheth (U.S. Patent No. 6,311,194).

Claim 1

Sheth fails to describe or suggest “inserting, by at least one processor, the first targeted ad item at a location in the RSS feed, the location being adjacent to the first syndicated content item in the RSS feed, the first targeted ad item being inserted in response to a request for the RSS feed,” where “the first syndicated content item [is] an RSS feed item,” and “the first targeted ad item [is] a separate RSS feed item,” as recited by amended claim 1.

At page 6 of the Office Action, the Examiner asserts that Sheth discloses “inserting, by at least one processor, the first targeted ad item adjacent to the first syndicated content information to generate a syndicated feed channel (col. 16, lines 52-55).” The relied upon portion of Sheth recites that “if the content provider is sent **an XML string similar to the one sent to the ad provider**, the content provider is able to tailor the advertisements in their own page (in the new browser instance).” Lines 36-44 of column 16 disclose that the “**XML string ... represents queries** that the user performs or individual media assets in which the user has an interest. This XML string could be sent to an external advertisement provider... . The advertisement provider would process this information and **return a URL reference to a semantically targeted advertisement.**” Thus, the XML string of Sheth is a string of data that is used to select advertisements for presentation with a web page. However, Sheth fails to provide any

description or suggestion that selected advertisements are “separate RSS feed item[s]” or that the advertisements are inserted into an RSS feed at a “location [that is] adjacent to the first syndicated content,” which is also “an RSS feed item.”

Inserting an ad item as a separate feed item in an RSS feed, rather than embedding an ad item as part of another content item in the RSS feed, enables presentation of updated or new advertisements with the content items of the RSS feed, even after the content items have been generated. For example, according to paragraph 0014 of the published application:

One or more targeted ads may be incorporated directly into the syndicated content before the syndicated material is returned to the user of the system. Thus, the responsive set of syndicated content presented to the user may include the material being sought by the user plus one or more targeted ads. Given that the targeted ad(s) is inserted in response to a request for syndicated material, as opposed to being included in the syndicated material at the time the syndicated material was generated, the ad can be kept current and timely. Thus, presentation of ads for discontinued products or services, or ads for which the company which originally placed the ad may no longer be paying can be avoided even when displaying web logs and/or news feeds which may be months or years old.

According to paragraph 0014, in response to each request for an RSS feed, current ad items can be received and inserted, as separate feed items, into the RSS feed prior to providing the feed. Therefore, old ad items can be removed from the RSS feed and new ad items can be inserted without requiring the content items of the RSS feed to be changed. Accordingly, the create, edit, and change dates of content items included in the RSS feed are not affected by the insertion, and/or removal of ad items because the content items do not need to be changed to facilitate the ad item removal and/or insertion.

For at least the reasons provided above, Sheth fails to describe or suggest “inserting, by at least one processor, the first targeted ad item in the RSS feed at a location adjacent to the first syndicated content item in the RSS feed, the first targeted ad item being inserted in response to a request for the RSS feed,” as recited by amended claim 1. Accordingly, applicant requests reconsideration and withdrawal of the rejection of claim 1 and its dependent claims.

#### Claim 11

Claim 11 depends from claim 1, and therefore, includes each element recited by amended claim 1. Accordingly, claim 11 is allowable for at least the reasons provided with reference to claim 1. Additionally, claim 11 is allowable because Sheth fails to describe or suggest “generating the first targeted ad item for the RSS feed using the first targeted ad, wherein generating the first targeted ad item includes formatting the first targeted ad to be a separate RSS compliant feed item,” as recited by amended claim 11.

At page 6 of the Office Action, the Examiner asserts that col. 16, lines 52-55 of Sheth disclose the elements of claims 2, 4, 11-3, 17, 19, 23-25, 42, 56, 62-64, 66, 67, and 78. As described above with reference to claim 1, the relied upon portion of Sheth recites that “if the content provider is sent **an XML string similar to the one sent to the ad provider**, the content provider is able to tailor the advertisements in their own page (in the new browser instance).” This portion of Sheth in no way would have led one of ordinary skill in the art to “generate the first targeted ad item for an RSS feed ... wherein generating the first targeted ad item includes formatting the first targeted ad to be a separate RSS compliant feed item,” as required by

amended claim 11. For example, there is no description or suggestion that advertisements provided to the content provider are "RSS compliant feed items." Accordingly, applicant requests reconsideration and withdrawal of the rejection of claim 11 and its dependent claims.

#### Claim 72

For at least the reasons provided with reference to claim 1, Sheth fails to describe or suggest "at least one processor coupled to the at least one database, the at least one processor being configured to ... insert the first targeted ad item at a location in the RSS feed, the location being adjacent to the first syndicated content item in the RSS feed," as recited by amended claim 72. Accordingly, applicant requests reconsideration and withdrawal of the rejection of claim 72 and its dependent claims.

#### Claim 77

For at least the reasons provided with reference to claim 1, Sheth fails to describe or suggest "a syndicated content provider coupled to the at least one datastore and the targeted ad server, the syndicated content provider including at least one processor configured to generate a requested Atom feed based on syndicated content information received from the at least one datastore and the selected advertisements, the requested Atom feed being an Atom compliant web feed provided in response to a request for content, the syndicated content provider being further configured to generate an Atom content item and an Atom ad item and include the Atom content item and Atom ad item at adjacent locations of the Atom feed, wherein the Atom content

item is an Atom feed item generated to include syndicated content information and **the Atom ad item is a separate Atom feed item** generated to include the selected advertisements,” as recited by amended claim 77. For example, Sheth fails to describe or suggest that selected advertisements are “separate Atom feed item[s]” or that the advertisements are inserted into an Atom feed at a location that is adjacent to an Atom content item,” which is also “an Atom feed item.”



Claim Rejections Under 35 U.S.C. §103

Claim 74

Claim 74 has been rejected as being unpatentable over Sheth in view of Wikipedia (Atom (Standard)). Claim 74 depends from claim 72, and therefore, includes each element of claim 72. Accordingly, for at least the reasons provided with reference to claim 72, Sheth fails to describe at least one element of claim 74.

The relied upon Wikipedia article fails to cure the deficiencies of Sheth. For example, the Atom standard discloses the formats used by the Atom structure, but fails to describe or suggest “including the Atom content item and the corresponding Atom ad item at adjacent locations of the Atom feed,” as recited by amended claim 74. Accordingly, applicant requests reconsideration and withdrawal of the rejection of claim 74.

Claims 21 and 22

Claims 21 and 22 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Seth et al. in view of official notice. Claims 21 and 22 depend from claim 1, and therefore, include each element of amended claim 1. Accordingly, for at least the reasons provided with reference to claim 1, Sheth fails to describe or suggest at least one element of claim 21 and claim 22. The deficiencies of Sheth are not cured by the official notice. Therefore, applicant requests reconsideration and withdrawal of the rejection of claims 21 and 22.

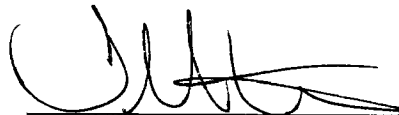
CONCLUSION

The allowability of all of the pending claims has been addressed. The absence of a reply to a specific rejection, issue, or comment does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment or cancellation of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment or cancellation.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: \_\_\_\_\_



Tracy M. Hitt  
Reg. No. 62,371

**Customer No. 26192**  
Fish & Richardson P.C.  
Telephone: (404) 892-5005  
Facsimile: (877) 769-7945